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Charles M. Lizza
 William C. Baton
 SAUL EWING LLP
 One Riverfront Plaza, Suite 1520
 Newark, NJ 07102-5426
 (973) 286-6700
 clizza@saul.com
 wbaton@saul.com

*Attorneys for Plaintiffs
 Helsinn Healthcare S.A. and
 Roche Palo Alto LLC*

Eric I. Abraham
 HILL WALLACK LLP
 202 Carnegie Center
 Princeton, New Jersey 08543
 Telephone: (609) 924-0808
 Fax: (609) 452-1888
 eia@hillwallack.com

*Attorneys for Defendant
 Sandoz Inc.*

Stuart D. Sender
 BUDD LARNER, P.C.
 150 John F. Kennedy Parkway
 Short Hills, New Jersey 07078
 (973) 379-4800
 ssender@buddlerner.com

*Attorneys for Defendants
 Dr. Reddy's Laboratories, Ltd. and
 Dr. Reddy's Laboratories, Inc.*

Michael E. Patunas
 Mayra V. Tarantino
 LITE DEPALMA GREENBERG, LLC
 Two Gateway Center, Suite 1201
 Newark, NJ 07102
 (973) 623-3000 mpatunas@litedepalma.com

*Attorneys for Defendants
 Teva Pharmaceuticals USA, Inc. and Teva
 Pharmaceutical Industries Ltd.*

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEW JERSEY**

**HELSINN HEALTHCARE S.A. and
 ROCHE PALO ALTO LLC,**

Plaintiffs,

v.

**DR. REDDY'S LABORATORIES, LTD.,
 DR. REDDY'S LABORATORIES, INC.,
 SANDOZ INC., TEVA PHARMACEUTICALS
 USA, INC., and TEVA PHARMACEUTICAL
 INDUSTRIES, LTD.,**

Defendants.

Civil Action Nos. 11-3962/11-5579
 (MLC)(DEA) (consolidated)
 Civil Action No. 13-5815 (MLC)(DEA)

Hon. Mary L. Cooper, U.S.D.J.
 Hon. Douglas E. Arpert, U.S.M.J.

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER
 CONSOLIDATING CIVIL ACTION
 NO. 13-5815 WITH CIVIL ACTION
 NOS. 11-3962/11-5579 AND
 DISMISSING WITH PREJUDICE
 UNITED STATES PATENT NOS.
 8,518,981 AND 8,598,218**

(Filed Electronically)

WHEREAS, Plaintiffs Helsinn Healthcare S.A. and Roche Palo Alto LLC (collectively, "Plaintiffs") initiated Civil Action No. 13-5815 (MLC)(DEA) alleging infringement of United States Patent Nos. 8,518,981, 8,598,218, and 8,598,219 by Defendants Dr. Reddy's Laboratories, Ltd., Dr. Reddy's Laboratories, Inc., Sandoz Inc., Teva Pharmaceuticals USA, Inc., and Teva Pharmaceutical Industries, Ltd. (collectively, "Defendants");

WHEREAS, Civil Action No. 13-5815 (MLC)(DEA) involves the same parties as well as patents sharing a common priority application with those at issue in Civil Action Nos. 11-3962 (MLC)(DEA) and 11-5579 (MLC)(DEA) (consolidated), which are also before this Court;

WHEREAS, good cause exists to consolidate Civil Action No. 13-5815 (MLC)(DEA) with Civil Action Nos. 11-3962 (MLC)(DEA) and 11-5579 (MLC)(DEA) (consolidated);

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs and Defendants, by their undersigned counsel, as follows:

1. The parties agree to dismiss their respective claims and counterclaims concerning U.S. Patent Nos. 8,518,981 and 8,598,218, with prejudice, as well as any requests for costs and/or fees relating to these patents.
2. Plaintiffs identify the following eight (8) claims from among those at issue in the three actions to assert in the consolidated bench trial: U.S. Patent No. 7,947,724 claims 2 and 9, U.S. Patent No. 7,947,725 claim 2, U.S. Patent No. 7,960,424 claim 6, and U.S. Patent No. 8,598,219 claims 1, 2, 6, and 7.¹
3. The parties agree to limit fact discovery to new infringement, validity and enforceability issues raised by the asserted claims of U.S. Patent No. 8,598,219.
4. Expert depositions will be limited to a maximum of four (4) hours on the record for

¹ Plaintiffs have not asserted claim 7 of U.S. Patent No. 8,598,219 against Defendants Dr. Reddy's Laboratories, Ltd. and Dr. Reddy's Laboratories, Inc.

any expert who previously submitted a report and was deposed in Civil Action Nos. 11-3962 and 11-5579 (consolidated), and seven (7) hours for any expert who was not previously deposed in Civil Action Nos. 11-3962 and 11-5579 (consolidated).

5. The parties propose an agreed-upon schedule, attached as Exhibit A, for all remaining litigation dates for the consolidated actions; provided, however, that (a) for all pretrial filings (including without limitation filings relating to claim construction and a *Markman* hearing), Plaintiffs and Defendants reserve their respective rights to propose to the Court in the future a briefer or alternative schedule, subject to the Court's preferences, and (b) Plaintiffs and Defendants contemplate that the Court at its discretion may decide that certain claim construction or pretrial filings and proceedings are unnecessary and/or that some or all of the usual party exchanges relating to, and components of, a pretrial order are not needed. Therefore, by agreeing to dates on the proposed agreed-upon schedule, attached as Exhibit A, Plaintiffs and Defendants are not waiving their respective rights to seek the Court's leave in the future to streamline the pretrial schedule.
6. At the Court's discretion and in accordance with the Court's schedule, the parties respectfully request the Court to set an April 2015 trial date and respectfully request the Court to set an initial pretrial conference date that the Court feels is consistent with the requested April 2015 trial date and the parties' proposed schedule attached as Exhibit A.

WHEREFORE, Plaintiffs and Defendants, by their attorneys, respectfully request that this Court consolidate this action with Civil Action Nos. 11-3962 and 11-5579 (consolidated) for

trial and for all remaining pretrial purposes, including without limitation all remaining litigation dates set forth in Exhibit A, and subject to paragraphs 1-6 above, and that all of the papers be maintained in Civil Action No. 11-3962.

SO STIPULATED:

Dated: May 23, 2014

By: s/ Charles M. Lizza

Charles M. Lizza
William C. Baton
SAUL EWING LLP
One Riverfront Plaza, Suite 1520
Newark, NJ 07102-5426
(973) 286-6700
clizza@saul.com
wbaton@saul.com

*Attorneys for Plaintiffs
Helsinn Healthcare S.A. and
Roche Palo Alto LLC*

Of Counsel:

Joseph M. O'Malley, Jr.
Bruce M. Wexler
Eric W. Dittmann
David M. Conca
Gary Ji
Angela C. Ni
PAUL HASTINGS LLP
75 East 55th Street
New York, NY 10022
(212) 318-6000

*Attorneys for Plaintiff
Helsinn Healthcare S.A.*

Mark E. Waddell
LOEB & LOEB LLP
345 Park Avenue
New York, NY 10154
(212) 407-4127
mwaddell@loeb.com

*Attorneys for Plaintiff
Roche Palo Alto LLC*

By: s/ Stuart D. Sender

Stuart D. Sender
Michael H. Imbacuan
H. Howard Wang
Stephanie L. Donahue
BUDD LARNER, P.C.
150 John F. Kennedy Parkway
Short Hills, New Jersey 07078
(973) 379-4800
ssender@buddlerner.com
mimbacuan@buddlerner.com
hwang@buddlerner.com
sdonahue@buddlerner.com

Attorneys for Defendants

*Dr. Reddy's Laboratories, Ltd. and
Dr. Reddy's Laboratories, Inc.*

By: s/ Eric I. Abraham

Eric I. Abraham
Christy L. Saveriano
HILL WALLACK LLP
202 Carnegie Center
Princeton, New Jersey 08543
Telephone: (609) 924-0808
Fax: (609) 452-1888
eia@hillwallack.com
csaveriano@hillwallack.com

Of Counsel:

David C. Doyle
E. Cary Miller
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, California 92130-2040
Telephone: (858) 720-5100
Fax: (858) 720-5125
DDoyle@mofo.com

EMiller@mofo.com

Matthew M. D'Amore
Jayson L. Cohen
Hui Liu
MORRISON & FOERSTER LLP
250 W. 55th Street
New York, New York 10019-9601
Telephone: (212) 468-8168
Fax: (212) 468-7900
MDAmore@mofo.com
JCohen@mofo.com
HLiu@mofo.com

*Attorneys for Defendant
Sandoz Inc.*

By: s/Michael E. Patunas

Michael E. Patunas
Mayra V. Tarantino
LITE DEPALMA GREENBERG, LLC
Two Gateway Center, Suite 1201
Newark, NJ 07102
(973) 623-3000
mpatunas@litedepalma.com
mtarantino@litedepalma.com

Of Counsel:

George C. Lombardi
Lynn MacDonald Ulrich
Julia M. Johnson
Brendan F. Barker
WINSTON & STRAWN LLP
35 West Wacker Drive
Chicago, IL 60601
(312) 558-5600
glombardi@winston.com
lulrich@winston.com
jmjohnson@winston.com

Jovial Wong
WINSTON & STRAWN LLP
1700 K Street
Washington, DC 20006
(202) 282-5000
jwong@winston.com

*Attorneys for Defendants
Teva Pharmaceuticals USA, Inc. and Teva
Pharmaceutical Industries Ltd.*

SO ORDERED on this 29th day of May, 2014.



HONORABLE DOUGLAS E. ARPERT
UNITED STATES MAGISTRATE JUDGE

EXHIBIT A

Helsinn et al. v. Dr. Reddy's Labs. et al. (D.N.J.)
Proposed Consolidated 11-03962 / 13-05815 Schedule

Event	Dates
Deadline to amend pleadings or join parties	May 15, 2014
Plaintiffs identify up to 8 asserted claims from among claims 2 and 9 of '724 patent, claim 2 of '725 patent, claims 2, 5, and 6 of '424 patent, and the claims of '219 patent	May 23, 2014
Exchange identification of all intrinsic and extrinsic evidence each party intends to rely upon to oppose other party's proposed constructions	May 29, 2014
Joint Claim Construction and Prehearing Statement	June 9, 2014
Opening <i>Markman</i> briefs	June 19, 2014
Complete expert discovery relating to claim construction	July 11, 2014
Close of fact discovery	July 18, 2014
Responding <i>Markman</i> briefs	July 17, 2014
Meet and Confer Deadline to propose <i>Markman</i> Hearing under Local Rule 4.6	July 22, 2014
<i>Markman</i> Hearing	Subject to Court's Availability
Disclose any reliance on advice of counsel	30 days after entry of <i>Markman</i> order, OR 2 weeks before Plaintiffs serve draft Pretrial Order text, whichever earlier
Opening expert reports (addressing claims or defenses for which a party bears the burden of proof)	July 21, 2014
Rebuttal expert reports	August 21, 2014
Reply expert reports	September 16, 2014
Close of expert discovery	November 12, 2014
Deadline to file dispositive motions ('219 patent)	On or before August 12, 2014
Opposition briefs to dispositive motions	Due 4 weeks after motion filed
Reply briefs to dispositive motions	Due 3 weeks after opposition brief filed
Exchange list of legal issues	November 17, 2014
Exchange fact witness lists (aside from those witnesses called for impeachment purposes, only the witnesses set forth may testify at trial)	November 24, 2014
Exchange expert witness lists (no expert shall be permitted to testify at trial unless identified at this time)	November 24, 2014
Exchange objections to fact and expert witness lists	December 9, 2014
Exchange exhibit lists	December 19, 2014
Exchange electronic collection of exhibits from parties' respective exhibit lists in a mutually acceptable format	December 19, 2014
Exchange objections to the opposing party's exhibit list	January 9, 2014
Exchange affirmative deposition designations	December 12, 2014
Exchange deposition counter-designations and objections to affirmative designations	January 16, 2015
Exchange objections to counter designations	January 30, 2015

Helsinn et al. v. Dr. Reddy's Labs. et al. (D.N.J.)
Proposed Consolidated 11-03962 / 13-05815 Schedule

Event	Dates
Exchange stipulation of facts for the issues on which the parties have the burden of proof	December 16, 2014
Exchange responses to stipulation of facts	January 9, 2015
Exchange contested facts	January 30, 2015
Exchange lists of the parties' contemplated motions <i>in limine</i>	December 5, 2014
Meet and confer in an attempt to reach mutual resolutions regarding the parties' contemplated motions <i>in limine</i>	December 12, 2014
Serve opening motions <i>in limine</i>	December 19, 2014
Serve responses to motions <i>in limine</i>	January 16, 2015
Plaintiffs serve draft Pretrial Order text	February 6, 2015
Defendants serve rebuttal to Plaintiff's draft Pretrial Order text	February 13, 2015
Proposed Final Pretrial Order Due	February 20, 2015
Final Pretrial Conference	Subject to Court's availability; parties will request a date that the Judge believes is consistent with an April 2015 trial date
Trial Briefs and Proposed Findings of Facts and Conclusions of Law	One week after Final Pretrial Conference
Trial	Subject to Court's availability; parties will request an April 2015 trial date in May 2014

The Court will conduct telephone status conferences:

1. On August 5th 2014 at 11:30 AM
2. On November 6th 2014 at 10:30 AM; and
3. On January 5th 2015 at 2:00 PM.